

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re Flint Water Cases 16-10444

_____/ *The Hon. Judith E. Levy*

Bellwether III Case No. 17-10164

_____/

**BELLWETHER III PLAINTIFFS’ UNOPPOSED MOTION FOR
EXPEDITED BRIEFING SCHEDULE AND CONSIDERATION OF
PLAINTIFFS’ MOTION TO STRIKE**

Bellwether III Plaintiffs (“Plaintiffs”), by and through their undersigned counsel, respectfully request expedited briefing and consideration of *Bellwether III Plaintiffs’ Motion to Strike or Otherwise Limit Cumulative Expert Testimony* (“Motion to Strike”). In support of this request, Plaintiffs state as follows:

1. Plaintiffs submitted their brief in support of the Motion to Strike on February 15, 2024. Pursuant to Local Rule 7.1(e)(1) and the Court’s standard briefing schedule, Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC (“Veolia”)’s response brief would be due within fourteen (14) days and Plaintiffs’ reply seven (7) days thereafter.

2. However, “[t]he [C]ourt retains the authority to alter the briefing schedule.” Comment to LR 7.1 (2023);¹ *see also Kimble v. Hosoi*, 439 F.3d 331, 336 (6th Cir. 2006) (“[D]istrict courts ordinarily enjoy broad discretion in matters of pretrial management, scheduling, and docket control.”).

3. Plaintiffs ask the Court to exercise that authority here because good cause exists for expedited briefing and consideration of Plaintiffs’ Motion to Strike. The Motion requests the Court enter an immediate order (i) requiring Veolia to identify which of the seventeen (17) Rule 26 experts it plans to offer at trial, and (ii) striking the remaining experts. The Motion focuses primarily on the expert reports of ten (10) duplicative and cumulative experts, whose depositions are currently being scheduled for the first few weeks of March 2024. Expedited briefing will assist the Court in resolving the issues raised in Plaintiffs’ Motion before some or all of those expert depositions take place; thereby avoiding unnecessary discovery and *Daubert* motion practice.

4. Moreover, pursuant to Local Rule 7.1(a), Plaintiffs’ counsel met and conferred with counsel for Veolia. Veolia’s counsel does not oppose expedited briefing, and the parties agreed to page limitations for the briefing.

¹https://www.mied.uscourts.gov/PDFFiles/notice_amendments_effective_12_01_2022_REV.pdf.

5. As a result, the parties agreed to the following expedited briefing schedule and page limitations:

- a. Defendants' opposition, not to exceed ten (10) pages, will be filed no later than February 22, 2024;
- b. Plaintiffs' reply, not to exceed five (5) pages, will be filed no later than February 26, 2024.

WHEREFORE, Plaintiffs respectfully request this Court grant the present motion seeking expedited briefing and consideration of Plaintiffs' Motion to Strike, as well as any and all relief which this Court deems just and proper.

Dated: February 15, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2024, I electronically filed this document with the Clerk of the Court using the ECF System, which will send notification to the ECF counsel of record.

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